



PUBLIC NOTICE

Federal Communications Commission
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DA 05-428

Released: February 16, 2005

DOMESTIC SECTION 214 APPLICATION FILED FOR TRANSFER OF CONTROL OF GLOBAL CROSSING TELECOMMUNICATIONS, INC., TO WESTCOM CORPORATION

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 05-56

Comments Due: March 2, 2005

Reply Comments Due: March 9, 2005

On February 11, 2005, Global Crossing Telecommunications, Inc. ("Global Crossing") and WestCom Corporation ("WestCom") (together, "Applicants"), filed an application pursuant to sections 63.03 and 63.04 of the Commission's rules¹ requesting authority to transfer certain domestic and international lines from Global Crossing to WestCom.²

Applicants assert that this transaction is entitled to presumptive streamlined treatment pursuant to section 63.03(b)(2)(i) of the Commission's rules³ because immediately following the transaction: (1) Applicants and their affiliates combined will hold less than a ten percent (10%) share of the interstate, interexchange market; (2) to the extent that the Applicants or their affiliates provide U.S. local exchange services or exchange access services, those services are provided only in geographic areas served by a dominant local exchange carrier that is not a party to the proposed transaction; and (3) none of the Applicants or their affiliates is dominant with respect to any U.S. domestic telecommunications service.

Global Crossing provides wholesale and retail voice and data services throughout the United States and from the United States to foreign destinations. The assets that are the subject

¹ 47 C.F.R. §§ 63.03, 63.04; *see* 47 U.S.C. § 214.

² Applicants have also filed for transfer of control related to international section 214 authority held by Global Crossing, to provide voice assets including the international private lines as part of this same transaction. Any action on this domestic section 214 application is without prejudice to Commission action on other related pending applications.

³ 47 C.F.R. § 63.03(b)(2)(i).

of this application are provided to major financial institutions at various points throughout the United States and from the United States to foreign destinations. Global Crossing is organized and existing under the laws of the State of Michigan. Global Crossing is an indirect, wholly owned subsidiary of Global Crossing Limited, which in turn, is majority owned by Singapore Technologies Telmedia and Temasek.

WestCom offers point-to-point dedicated bandwidth primarily to the financial industry. WestCom's network supports mission critical and latency sensitive applications such as trader voice services and inter-firm trading applications for many of the world's largest financial institutions. WestCom offers these services on a non-common carrier basis over facilities that it owns, controls, or constructs, or on a resale basis over facilities owned by others. WestCom is organized and existing under the laws of the State of New York. WestCom is a wholly owned subsidiary of WestCom Acquisition Corp., a Delaware corporation, which, in turn, is a wholly owned subsidiary of WestCom Holding Corp., a Delaware corporation ("WestCom Holding"). One Equity Partners LLC, a Delaware entity, is the majority shareholder of WestCom Holding (63%).⁴ Banc of America Corp., a U.S. Corporation, holds a 17% direct interest in WestCom Holding and Michael Hirtenstein, a U.S. citizen, holds the remaining 20% direct interest in WestCom Holding.

Global Crossing proposes to sell to WestCom certain of its assets used in the provision of Global Crossing's current trader voice service business. The assets to be transferred for which Applicants seek Commission approval are those intrastate domestic and international private line circuits used by Global Crossing in its trader voice service business. Applicants anticipate closing on this proposed transaction no later than March 15, 2005.

The Applicants assert that the proposed transaction serves the public interest. Global Crossing states it has searched out a highly qualified company that wishes to acquire its trader voice service business and to offer its trader voice service customers the private line services that they require. Moreover, the Applicants state that WestCom is a leading telecommunications provider to the financial community, and is qualified to provide this suite of highly sophisticated, specialized services and therefore provide significant, tangible benefits to Global Crossing's existing trader voice service customers.

GENERAL INFORMATION

The transfer of control identified herein has been found, upon initial review, to be acceptable for filing as a streamlined application. The Commission reserves the right to return

⁴ One Equity Partners LLC is wholly owned and controlled by OEP Holding Corporation, a Delaware corporation. OEP Holding Corporation is wholly owned and controlled by Banc One Investment Corporation, a Delaware corporation. Banc One Investment Corporation is wholly owned and controlled by JP Morgan Capital Corporation, a Delaware corporation. JP Morgan Capital Corporation is wholly owned and controlled by Banc One Financial LLC, a Delaware corporation. Banc One Financial LLC is wholly owned and controlled by JP Morgan Chase & Co, a Delaware corporation.

any transfer of control application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies. Interested parties may file **comments on or before March 2, 2005, and reply comments on or before March 9, 2005.**⁵ Unless otherwise notified by the Commission, Applicants are permitted to transfer control on the 31st day after the date of this notice.⁶ Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121 (1998).

Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send e-mail to ecfs@fcc.gov, and should include the following words in the subject line "get form <your e-mail address>." A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

⁵ See 47 C.F.R. § 63.03(a).

⁶ Such authorization is conditioned upon receipt of any other necessary approvals from the Commission in connection with the proposed transaction.

In addition, one copy of each pleading must be sent to each of the following:

- (1) the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554; e-mail: www.bcpiweb.com; phone: 202-488-5300 fax: 202-488-5563;
- (2) Tracey Wilson-Parker, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C437, Washington, D.C. 20554; e-mail: tracey.wilson-parker@fcc.gov;
- (3) Erin Boone, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C347, Washington, D.C. 20554; e-mail: erin.boone@fcc.gov;
- (4) Terri Natoli, Competition Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-C234, Washington, D.C. 20554; e-mail: terri.natoli@fcc.gov;
- (5) Susan O'Connell, Policy Division, International Bureau, 445 12th Street, S.W., Room 7-B544, Washington, D.C. 20554; email: susan.o'connell@fcc.gov; and
- (6) James Bird, Office of General Counsel, 445 12th Street, S.W., Room 8-C824, Washington, D.C. 20554; e-mail: james.bird@fcc.gov.

Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC, 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, telephone: 202-488-5300, fax: 202-488-5563, or via e-mail www.bcpiweb.com.

For further information, please contact Tracey Wilson-Parker at (202) 418-1394, or Erin Boone at (202) 418-0064.

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